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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals

Statement submitted by Equality Now, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.6/2010/1.

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Statement

1. Over 60 years ago, countries adopting the Universal Declaration of Human Rights proclaimed that "all human beings are born free and equal in dignity and rights". That fundamental right has echoed for decades in conferences, treaties and declarations. Almost 15 years ago, in the Platform for Action adopted in Beijing, 189 Governments agreed that laws that discriminate against women undermine equality and pledged to "revoke any remaining laws that discriminate on the basis of sex". Yet inequality, including in its most overt form, has not been vanquished. In 1999, Equality Now published a representative sampling of explicitly discriminatory laws from 45 countries in our report "Words and deeds: holding governments accountable in the Beijing+5 review process" (available at www.equalitynow.org). The following year, the special session of the General Assembly convened to review the Beijing Platform for Action and adopted an outcome document that established a target date of 2005 for the revocation of discriminatory laws. In anticipation of the tenth anniversary of the adoption of the Beijing Platform for Action, Equality Now updated its report in 2004, highlighting additional sex-based discriminatory laws that remained in force, denying women the fundamental right to equality.

2. In our reports and previous written statements to the Commission on the Status of Women (see E/CN.6/2004/NGO/24, E/CN.6/2005/NGO/25, E/CN.6/2006/NGO/20 and E/CN.6/2007/NGO/19), Equality Now has highlighted explicitly discriminatory laws with regard to violence against women, personal status, economic status and marital status. Discrimination goes far deeper, however, than explicitly discriminatory laws, which represent a small component of the discrimination women face on a daily basis in every country in the world. Discrimination in the justice system may result in a number of ways, including from laws that do not at first glance appear to be discriminatory, or from a lack of enforcement of laws, or from a failure to institute special measures to redress the historically unequal opportunities provided to men and women or from women's lack of access to justice. Laws that explicitly discriminate against women are particularly egregious, however, in that, by giving State backing to discrimination, they symbolize the clear disrespect of Governments for the fundamental right of women to equality.

3. Equality Now is pleased, therefore, to report that a number of countries, more than half of a total of 52 countries highlighted in both previous reports, have repealed the discriminatory laws highlighted in Equality Now's 1999 and 2004 reports. Among these countries are the following current members of the Commission on the Status of Women:

(a) Colombia, which voided its discriminatory law holding 14 years as the minimum age of marriage for boys and 12 years for girls;

(b) Haiti, which repealed its law allowing the murder by a husband of his wife in specific cases of adultery;

(c) India and Malaysia, which repealed their respective criminal laws allowing marital rape;

(d) Lesotho, which repealed its discriminatory law on marital property;

(e) Mexico, which repealed its discriminatory laws allowing boys to be betrothed at 16 and girls at 14 years of age and prohibiting women from remarrying for a certain period of time after divorce or widowhood;

(f) The Republic of Korea, which repealed its law designating the man as the head of the family;

(g) Pakistan, which removed rape from the Hudood Ordinances such that the evidentiary requirement of four male Muslim witnesses to prove rape no longer applies;

(h) Turkey, which eliminated discriminatory laws relating to age of marriage and decision-making within the household.

4. Several other countries that have also repealed or amended laws highlighted in Equality Now's 1999 and 2004 reports include the Bahamas, Bangladesh, Costa Rica, Ethiopia, France, Guatemala, Jordan, Kuwait, Latvia, Montenegro, Morocco, Nepal, Papua New Guinea, Peru, Romania, Serbia, Switzerland, Tonga, Uruguay and Venezuela (Bolivarian Republic of). Such reforms set the example of moving from words to action, demonstrating a commitment to the human rights of women and girls, including by fulfilling the obligations undertaken in the Beijing Platform for Action and elsewhere. Nevertheless, many laws highlighted in Equality Now's 1999 and 2004 reports remain in force.

5. In his in-depth study on all forms of violence against women published in July 2006 (A/61/122 and Add.1 and Add.1/Corr.1), the Secretary-General stated that "violence against women is both a cause and a consequence of discrimination against women and of their inequality and subordination" and recommended that States "remove all laws that discriminate against women; review and revise all State policies and practices to ensure that they do not discriminate against women; and ensure that provisions of multiple legal systems ... comply with international human rights standards, including the principle of non-discrimination".

6. The Office of the United Nations High Commissioner for Human Rights commissioned a report, entitled "Project on a mechanism to address laws that discriminate against women", published in 2008, which discussed existing United Nations mechanisms and their effectiveness in addressing discriminatory laws, as well as in gathering data on discriminatory laws themselves. It stated that "if the United Nations is to maintain its credibility and not be dismissed as a mere talking shop, then it will have to ensure that the failure to meet what should be a simple pledge, the removal of laws that discriminate against women made in conference documents in 1995 (Beijing), reviewed in 2000 (Beijing plus 5) and which remained unfulfilled a decade later in 2005 (Beijing plus 10), is dealt with as a matter of urgency".

7. In anticipation of the fifteenth anniversary in 2010 of the adoption of the Beijing Platform for Action, Equality Now has updated its report again, highlighting sex-based discriminatory laws that still remain in force, denying women and girls the fundamental right to equality "Words and deeds: holding Governments accountable in the Beijing+15 review process" (available at www.equalitynow.org). We urge each Member State to continue in their efforts to repeal discriminatory laws as a matter of urgency. Such action would demonstrate respect for the commitment made in Beijing and renewed in 2000 at the special session of the General Assembly, as well as the many other treaties, declarations and statements that have been made recognizing and affirming sex equality as a fundamental human right. To this end, we encourage Governments to set themselves a renewed target date, at the very latest of 2015 in recognition of the twentieth anniversary of Beijing, to revoke

all laws that discriminate on the basis of sex. That year is also the target date for achievement of the Millennium Development Goals, Goal 3 of which includes promotion of gender equality. Every year that passes in which women continue to face State-sanctioned discrimination is another year of suffering and lost opportunity for girls and women.